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**OFFICE OF PETITIONS**

In re Application of  
Dan M. Hayes, et al.  
Application No: 09/942,899  
Filed: August 30, 2001  
Attorney Docket No. 17783 USA

ON PETITION

This is a decision in response to a petition, filed May 12, 2003, under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **DISMISSED** as moot in view of the argument contained in the "Request for Withdrawal of Petition to Revive Under 37 CFR 1.137(b), (c) and (f)" filed by facsimile transmission on October 3, 2003.

The request for a refund of the \$1300 petition fee is **GRANTED**.

Any inquiries concerning this decision may be directed to Sherry D. Brinkley at (703) 305-9220.

This application is being referred to Technology Center Art Unit 2100 for further prosecution.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy